

# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:  
☐ DUPLICATE

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231

Attorney Docket No. of Prior Application	99-40132-US
First Named Inventor	Shacklett, Dean
Examiner Name	Pratt, C.
Group Art Unit	1771
Express Mail Label No.	EL 939020310 US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09 / 349,737

filed on July 8, 1999, entitled Fabric Pads with a Printed Design and a Method of Making Fabric Pads...

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
  - ☒ PTO-1449
  - ☒ Copies of IDS Citations

08/02/2002 AVONDAF1 00000072 09349737

01 FC:231  
02 FC:203

370.00 OP  
99.00 OP

[Page 1 of 2]

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))	31	-20* =	11	x \$ 18 =	\$ 198.00
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))		-3** =	0	x \$ 84 =	\$ 0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ 0 =	\$ 0.00
				BASIC FEE (37 CFR 1.16)	\$ 740.00
				Total of above Calculations =	\$ 938.00
				Reduction by 50% for filing by small entity (Note 37 CFR 1.27).	\$ 0.00
				TOTAL =	\$ 938.00

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 18 -0586:
- a. ☐ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☒ A check in the amount of \$ 469.00 is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_  
*[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]*
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☒ Other: Petition and Fee for Three Month Extension of Time and Check for \$460.00

**NOTE:**

The prior application's correspondence address will carry over to this CPA  
 UNLESS a new correspondence address is provided below.

**14. NEW CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Labelor ☐ New correspondence address below

07066  
 (Insert Customer No. or Attach bar code label here)  
 PATENT TRADEMARK OFFICE

Name				
Address				
City	State	Zip Code		
Country	Telephone	Fax		

**15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Thomas J. McWilliams
Signature	
Registration No. (Attorney/Agent)	44,930
Date	July 30, 2002

08-01-02

CPA 1/700  
\$



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Shacklett et al.

United States

Application No: 09/349,737

Filing Date: July 8, 1999

For: FABRIC PADS WITH A PRINTED DESIGN  
AND A METHOD OF MAKING FABRIC  
PADS WITH A PRINTED DESIGN

Group Art Unit: 1771

Examiner:

Christopher C. Pratt

Attorney

Docket No.: 99-40132-08

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REQUEST FOR CONTINUED PROSECUTION APPLICATION (CPA)

BOX CPA

Commissioner for Patents

Washington, D.C. 20231

Sir:

Enclosed for filing responsive to the Final Office Action which has a mailing date of January 30, 2002 for above-entitled invention, are the following documents submitted herewith:

- 1) Continued Prosecution Application (CPA) Request Transmittal;
- 2) Preliminary Amendment with Declaration of Dean R. Schacklett;
- 3) Information Disclosure Statement, PTO-1449 Form and copy of one IDS Citation;
- 4) Check in the amount of \$469.00 CPA filing fee – Small Entity Status;
- 5) Return Receipt Postcard;
- 6) Petition for Three-Month Extension of Time;
- 7) Check in the amount of \$460.00 for Three-Month Extension of Time Fee;

EXPRESS MAIL CERTIFICATE (37 CFR 1.10)

Express Mail Label No. EL 939020310 US

Date of Deposit July 30, 2002

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to Commissioner for Patents, BOX CPA, Washington, D.C. 20231-9999

Name: Marie G. Duden

Signature

Marie G. Duden

The Commissioner is hereby authorized to credit overpayments for charge any fee deficiencies to Deposit Account No. 18-0586.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Thomas J. McWilliams', is written over a horizontal line.

Thomas J. McWilliams  
Registration No. 44,930  
ReedSmith LLP  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103-7301  
(215) 241-7939  
Attorney for Applicant